

B) REMARKS:**1. Introduction**

Claims 1-12 are currently pending in this application. Claims 1, 7, 8, 11 and 12 are independent. Claims 1, 7, 8, 11 and 12 have been amended herein.

Certain amendments to the independent claims have been entered in response to the pending Examiner's rejections, as detailed herein. Other amendments to the pending claims may have also been made, but only to clarify the scope of that which the Applicants regard as his invention, and are not meant to limit the scope of such claims as existed prior to such amendments or limit the applicability of any equivalents thereto.

No new subject matter has been added to this application by these amendments.

2. Rejections of Claims Under 35 U.S.C. §112

In paragraphs 1-4 of the Office Action, the Examiner has rejected claims 1-12 under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement, and 35 U.S.C. §112, second paragraph, as being indefinite. These rejections stem from the recitations of "user credentials" and "without changing" as previously recited in the independent claims. Such recitations have been deleted herein. Consequently, these rejections of the pending claims are rendered moot. Reconsideration and withdrawal of these rejections of claim 1-12 are therefore respectfully requested.

3. Rejection of Claims under 35 U.S.C. §103

In paragraphs 5-8 of the Office Action, the Examiner has rejected pending claims 1-12 under 35 U.S.C. §103 as obvious in view of U.S. Patent No. 5,790,548 to Sistanizadeh et al. (referred to hereinafter as "Sistanizadeh") and one of the following references: U.S. 6,222,859 to Yoshikawa, U.S. 6,606,663 to Liao et al. and "WINDOWS 95 unleashed. These rejections have been overcome by the following amendments entered to the Applicant's independent claims 1, 7, 8, 11 and 12 herein, in which variations of the following recitations have been entered:

(a) the network access device comprising a cable modem connected through a cable access infrastructure (or network);

(b) assigning, to the network access device in response to the first request, a first network address allocated by the cable access infrastructure (or network) to the first service provider, the first network address used by the network access device to communicate data over the cable access infrastructure to the first service network; and

(c) assigning, to the network access device, a second network address allocated only by the cable access infrastructure to the second service provider, the second network address used by the network access device to communicate data over the cable access infrastructure (or network) to the second service network.

Support for these recitations can be found, inter alia, in the Applicant's Specification at:

(a) p. 2, lines 22-26; p. 4, lines 7-9; and p. 6, line 24 - p. 7, line 13.

(b) and (c) p. 3, lines 17-23 and p. 11, lines 5-24

The Applicants have been mindful of the provisions of MPEP §608.01(o) in making these amendments and the recitations therein are readily supported from the referenced sections of the Specification.

With regard to (a) above, it is readily apparent from the disclosure and will be known to one of ordinary skill in the art that access network and access infrastructure are substantially interchangeable terms used throughout the Specification to refer to the previously recited "access network," and that such access networks include cable access networks. In this regard, Sistanizadeh fails to teach or suggest that subscribers communicate with service providers over a cable access network (or infrastructure). Instead, Sistanizadeh is only concerned with public switched telephone networks and digital subscriber line services (see, Col. 3, lines 54-57 and Abstract of Sistanizadeh). In fact, Sistanizadeh specifically teaches away from application of its

teachings to cable networks (see, Col. 3, lines 26-46 and Col. 8, lines 20-26 of Sistanizadeh). The fact that Sistanizadeh is inapplicable to cable access infrastructures is a significant distinction since Sistanizadeh requires that data packets not be communicated or broadcast among its subscribers, in order to provide security in network communications (see, Col. 8, lines 20-26 of Sistanizadeh). This is not possible in a cable access network where various subscribers may commonly share broadband access lines to a cable access network (which is not the case for PSTN and DSL environments), as is well known to one of ordinary skill in the art (see also, discussions of common broadband connections in co-pending U.S. application 09/812,313, U.S. Publication No. 20010049737 at paragraph 0030). Thus, Sistanizadeh is not applicable outside the public switched telephone network and digital subscriber line networking environments described therein, and specifically teaches away from applicability to cable access infrastructures.

Additionally, with regard to (b) and (c) above, Sistanizadeh fails to teach or suggest that only the cable access infrastructure allocates the first and second network address to a network access device, as now recited. Instead, Sistanizadeh teaches that Internet service providers allocate such addresses (see, Col. 9, line 45 - Col. 10, line 6, and particularly, Col. 9, lines 61-62 of Sistanizadeh). This stands in stark contrast to the Applicants' invention wherein network addresses are allocated by the cable access infrastructure via configuration and registration servers of a service activation system, as described in the Applicants' Specification, inter alia, at p. 11, lines 5-24 and recited in various of the claims.

Consequently, for at least these reasons, Sistanizadeh fails to teach or suggest the subject matter of independent claims 1, 7, 8, 11 and 12 as amended herein.

The remaining Yoshikawa, Liao and WINDOWS 95 references, alone or in combination with Sistanizadeh, likewise fail to teach or suggest the subject matter of independent claims 1, 7, 8, 11 and 12 as amended herein. These remaining reference were only supplied for their teachings of storing login and password IDs by a computer, which is no longer of consequence due to the amendments to the claims entered herein. In addition, Yoshikawa is concerned only with public switched telephone networks (see Abstract of Yoshikawa), Liao is only concerned with wireless networks (see Summary of the Invention of Liao). None of the three references provide teachings relating to subscription service selection over a cable access network.

Accordingly, none of the three references cures the defects noted in the teachings of Sistanizadeh above.

Neither the references described above, nor the remaining prior art of record, teach or suggest dynamic address assignment to a network access device of a subscriber by a cable access infrastructure, which address is used to access one of a variety of service providers accessible over the cable access infrastructure.

Therefore, reconsideration and withdrawal of these rejections of independent claims 1, 7, 8, 11 and 12 for at least these reasons are respectfully requested. Reconsideration and withdrawal of the rejections of each remaining dependent claims 2-6 and 9-10 are likewise respectfully requested based on their ultimate dependency of one the above independent claims.

4. Provisional Double Patenting Rejection

In paragraph 10 of the Office Action, the Examiner has provisionally rejected each of claims 1-12 under the judicially-created doctrine of obviousness-type double patenting in view of US Application Ser. No. 09/812,313 and 09/812,442, which are commonly owned by the assignee of the present application. Since the last communication, the undersigned representative has been made aware of the issuance of U.S. Patent Appl. Ser. No. 09/812,442 as U.S. Patent No. 6,753,887. Accordingly, a terminal disclaimer with respect to that patent is being filed concurrently herewith. Since this remains a provisional rejection with respect to U.S. Patent Appl. Ser. No. 09/812,313, the Applicants will file a terminal disclaimer if necessitated by issuance of that co-pending application.

5. Conclusion

The Examiner's comments in paragraphs 7, 11 and 12 of the Office Action are acknowledged. No further information related thereto is needed.

This amendment is responsive to each issue raised in the final Office Action dated December 30, 2004. All objections and rejections of pending claims 1-12 and have been overcome above. A Terminal Disclaimer and a Request for Continued Examination, as well as the fees due for each, are submitted herewith.

The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this application.

In the event that a further extension of time is required in addition to that requested previously herein, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time, or credit any overpayment, to the below-signed practitioner's deposit account number: 502396.

Respectfully submitted,

By: 

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Charles A. Rattner
Registration No. 40,136
12 Homewood Lane
Darien, CT 06820-6109
(203) 662-9858
(203) 547-6129 (facsimile)
crattner@axiomlegal.net